

09/08/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-32038

NAME AND ADDRESS: CITY OF CALDWELL
621 CLEVELAND BLVD
CALDWELL ID 83605

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: ~~0.550~~ 0.360 CFS

PRIORITY DATE: ~~07/05/1938~~ 07/31/1949

POINT OF
DIVERSION:

T03N R02W S6 SWNW Lot 5 Within CANYON County
T04N R03W S15 NENE Within CANYON County
T04N R03W S21 SESW Within CANYON County
T04N R03W S22 NENE Within CANYON County
T04N R03W S22 NENE Within CANYON County
T04N R03W S22 NENE Within CANYON County
T04N R03W S22 NENE Within CANYON County
T04N R03W S22 NENE Within CANYON County
T04N R03W S22 NENE Within CANYON County
T04N R03W S26 SWNE Within CANYON County
T04N R03W S27 NENE Within CANYON County
T04N R03W S28 NENE Within CANYON County
T04N R03W S28 NENE Within CANYON County
T04N R03W S28 NENE Within CANYON County
T04N R03W S28 NENE Within CANYON County
T04N R03W S28 NENE Within CANYON County
T04N R03W S28 SENE Within CANYON County
T04N R03W S28 SWSE Within CANYON County
T04N R03W S34 SENW Within CANYON County
T04N R03W S35 NWNE Within CANYON County
T04N R03W S36 NENW Within CANYON County

~~The points of diversion for this right and Right Nos. 63-3441, 63-5051, 63-5052, 63-5053, 63-5054, 63-5055, 63-7158, 63-7900, 63-7910, 63-8008, 63-8299, 63-8986, 63-8987, 63-9358, 63-10316, 63-10317, 63-20532, 63-32025, 63-32026, 63-32027, 63-32028, 63-32029, 63-32030, 63-32031, 63-32032, 63-32033 are diverted through the points of diversion described in Right No. 63-32024.~~

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	01/01 12/31	~~0.550~~ 0.360 CFS

PLACE OF USE:

Place of use is within the service area of Caldwell as provided for under Idaho law. The place of use is generally described as within the city limits of Caldwell and the surrounding service area.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right at Caldwell Well No. 4 located in T04N, R03W, S15, NENE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

12/14/2006

IDAHO DEPARTMENT OF WATER RESOURCES
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621 CLEVELAND BLVD
CALDWELL ID 83605

SOURCE: GROUND WATER

QUANTITY: 0.550 CFS

PRIORITY DATE: 07/05/1938

POINT OF
DIVERSION: T04N R03W S15 NENE Within CANYON County

The points of diversion for this right and Right Nos. 63-3441, 63-5051, 63-5052, 63-5053, 63-5054, 63-5055, 63-7158, 63-7900, 63-7910, 63-8008, 63-8299, 63-8986, 63-8987, 63-9358, 63-10316, 63-10317, 63-20532, 63-32025, 63-32026, 63-32027, 63-32028, 63-32029, 63-32030, 63-32031, 63-32032, 63-32033 are diverted through the points of diversion described in Right No. 63-32024.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	01/01 12/31	0.550 CFS

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RECEIVED

MAY 26 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 23 PM 03:40
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	ORDER SETTING SUBCASE(S)
	)	FOR INITIAL HEARING
Case No. 39576	)	
_____	)	SUBCASE NOS: SEE ATTACHED EXHIBIT A

The Initial Hearing for this subcase will be held before
Special Master THEODORE R. BOOTH

FRIDAY, JUNE 20, 2008 at 02:30 PM (MT)
IDAHO SUPREME COURT BUILDING
451 WEST STATE STREET
BOISE, ID

ATTENDANCE IS MANDATORY. All parties are required to
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity
to meet with a representative of the Idaho Department of
Water Resources (IDWR) and/or the objector in an attempt
to reconcile any difference between the claim and the
Director's Report. Bring any and all information you
believe is relevant to your claim and/or objection. If
the claim cannot be reconciled at the Initial Hearing,
the court will set the subcase(s) for trial within 45
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by
JUNE 16, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Page 1 5/22/08

(continued)

Dated: MAY 23, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING
SUBCASE(S) FOR INITIAL HEARING was mailed on MAY 23, 2008,
with sufficient first-class postage to the following:

CITY OF CALDWELL

Represented by:
CHARLES L. HONSINGER
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

CITY OF CALDWELL

621 CLEVELAND BLVD
CALDWELL, ID 83605
Phone: 208-455-3006

Exhibit A

Subcase Nos:

63-03304A
63-03441
63-03484
63-03596
63-05051
63-05052
63-05053
63-05054
63-05055
63-07158
63-07900
63-07910
63-08008
63-08299
63-08986
63-08987
63-09358
63-10316
63-10317
63-10674
63-20532
63-32024
63-32025
63-32026
63-32027
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63-32029
63-32030
63-32031
63-32032
63-32033
63-32038

RECEIVED

JUN 14 2007

DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

A. Subcase 63-32038

(Insert water right no.)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: CITY OF CALDWELL

Address: 621 Cleveland Blvd.
Caldwell, Idaho 83605

Daytime Phone: (208) 455-3006

Name & Address of Attorney, if any:

Charles L. Honsinger
Ringert Clark Chartered
P.O. Box 2773
Boise, ID 83701

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS'S REPORT

Name: CITY OF CALDWELL

Address: 621 Cleveland Blvd.
Caldwell, Idaho 83605

D. I object to the following elements as recommended in the Director's Report. (Please check the Appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point(s) of Diversion**
Should be: Remark should be added specifying as follows: "To the extent necessary for administration between points of diversion for ground water and between ground water and hydraulically connected surface sources, ground water was first diverted under this right at Well Site 4 (Cemetery 1938) located in T4N R3W, Section 15 NENE.
Point of diversion remark should read as follows: "This right and Right Nos. 63-3441, 63-5051, 63-5052, 63-5053, 63-5054, 63-5055, 63-7158, 63-7900, 63-7910, 63-8008, 63-8299, 63-8986, 63-8987, 63-9358, 63-10316, 63-10317, 63-20532, 63-32025, 63-32026, 63-32027, 63-32028, 63-32029, 63-32030, 63-32031, 63-32032, and 63-32033 are diverted through the points of diversion described in right No. 63-32024.
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☐ **I object because:**
☐ This water right should not exist.

- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION (S): For proper, accurate and efficient administration, the water right must have a "primary" point of diversion as do other water rights held by Caldwell and other municipalities. The language of the remark specifying multiple points of diversion makes no sense as recommended.

F. VERIFICATION (must be completed)

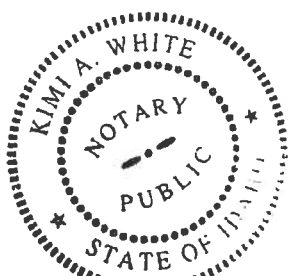
State of Idaho)
) ss.
County of Ada)

Charles L. Honsinger, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I. C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Charles L. Honsinger
Charles L. Honsinger

Subscribed and sworn to before me on: June 13, 2007



Kimi A. White
Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 04/01/10

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on June 13, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the Claimant of the water right at the following address:

Name: CITY OF CALDWELL

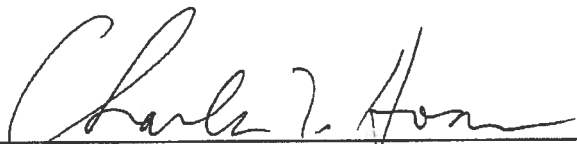
Address: 621 Cleveland Blvd.
Caldwell, Idaho 83605

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449



Signature of Objector or attorney
mailing on Objector's behalf

12/15/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-32038

NAME AND ADDRESS: CITY OF CALDWELL
621 CLEVELAND BLVD
CALDWELL ID 83605

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.550 CFS

PRIORITY DATE: 07/05/1938

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T04N R03W S15 NENE Within CANYON County

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PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MUNICIPAL

01/01 12/31

0.550 CFS

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Draft

04/19/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-32038

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621 E CLEVELAND BLVD
CALDWELL ID 83605

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.550 CFS

PRIORITY DATE: 07/05/1938

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T03N R02W S6 NWSW Within CANYON County
T04N R03W S15 NENE Within CANYON County
T04N R03W S21 SESW Within CANYON County
T04N R03W S22 NENE Within CANYON County
T04N R03W S26 SWNE Within CANYON County
T04N R03W S27 NENE Within CANYON County
T04N R03W S27 SWNW Within CANYON County
T04N R03W S28 NENE Within CANYON County
T04N R03W S28 SENE Within CANYON County
T04N R03W S28 SWSE Within CANYON County
T04N R03W S34 NENW Within CANYON County
T04N R03W S34 NWSW Within CANYON County
T04N R03W S35 NWNE Within CANYON County
T04N R03W S36 NENW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
MUNICIPAL

PERIOD OF USE
01/01 12/31

QUANTITY
0.550 CFS

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EXPLANATORY MATERIAL: Beneficial Use